



Patent Docket P1219P3

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of Adams, Sean et al. Serial No.: 09/924,547 Filed: August 7, 2001 For: FIBROBLAST GROWTH FACTOR -19 (FGF-19) NUCLEIC ACIDS AND POLYPEPTIDES AND METHODS OF USE FOR THE TREATMENT OF OBESITY AND RELATED DISORDERS	Group Art Unit: 1647 Examiner: NOT KNOWN Confirmation No.: 7392
<p>CERTIFICATE OF MAILING I hereby certify that this correspondence, consisting of Response To Restriction Requirement Under 35 C.F.R. § 1.121, is being facsimile transmitted to the Assistant Commissioner of Patents, Washington, D.C. on</p> <p>February 18, 2003</p> <p><i>Aida Guiam</i> Aida Guiam</p>	

RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 C.F.R. §1.121

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement dated December 17, 2002, please consider the following election and remarks. Applicants submit concurrently herewith a Petition to Extend Time under 37 C.F.R. § 1.136(a) for response for a period of one (1) month from January 17, 2003, up to and including February 17, 2003, with the appropriate fee. Moreover, since Monday, February 17, 2003 is a Federal holiday, pursuant to 37 C.F.R. § 1.7, this response is being properly filed on Tuesday, February 18, 2003, the next business day.

Election:

Applicants received a Communication from the Examiner dated December 17, 2002 which contained a requirement for restriction in connection with the application captioned above.

More specifically, the Examiner has required a restriction under 35 U.S.C. § 121 of one of the following inventions:

Group I: Claims 1-21, drawn to polynucleotides, vectors, host cells and methods of making a polypeptide, classified in class 435, subclass 69.4, for example;

Group II: Claims 22-31 and 38, drawn to a polypeptide, classified in class 530, subclass 350, for example;

Group III: Claims 32-35 and 38, drawn to an antibody to a polypeptide, classified in class 530, subclass 387.1, for example;

Group IV: Claims 36 and 38, drawn to a compound of unspecified constitution (identified as an agonist), class undeterminable, subclass undeterminable;

Group V: Claims 37-38, drawn to a compound of unspecified constitution (identified as an antagonist), class undeterminable, subclass undeterminable;

Group VI: Claim 39, drawn to a method of screening for a binding agent (using the polypeptide), class 436, subclass 501, for example;

Group VII: Claims 40-43, drawn to a method of screening for modulation of activity (using the polypeptide), classified in class 435, subclass 4, for example;

Group VIII: Claims 44-47, drawn to a method of identifying a receptor (using the polypeptide), classified in class 436, subclass 501, for example.

Group IX: Claims 48-49, drawn to a method of inducing leptin release (using the polypeptide), classified in class 514, subclass 2, for example;

Group X: Claims 48 and 50, drawn to a method of inducing leptin release (using the polynucleotide), classified in class 514, subclass 44, for example;

Group XI: Claims 51-52, drawn to a method of inducing a decrease in glucose uptake (using the polypeptide), classified in class 514, subclass 2, for example.

Group XII: Claims 51 and 53, drawn to a method of inducing a decrease in glucose uptake (using the polynucleotide), classified in class 514, subclass 44, for example;

Group XIII: Claims 54-55, drawn to a method of increasing insulin sensitivity (using the polypeptide), classified in class 514, subclass 2, for example;

Group XIV: Claims 54 and 56, drawn to a method of increasing insulin sensitivity (using the polynucleotide), classified in class 514, subclass 44, for example;

Group XV: Claims 57-60 and 62-63, drawn to a method of treating obesity (using the polypeptide), classified in class 514, subclass 2, for example;

Group XVI: Claims 57 and 61-63, drawn to a method of treating obesity (using the polynucleotide), classified in class 514, subclass 44, for example;

Group XVII: Claims 64-65 and 67, drawn to a method of reducing body mass (using the polypeptide), classified in class 514, subclass 2, for example;

Group XVIII: Claims 64 and 66-67, drawn to a method of reducing body mass (using the polynucleotide), classified in class 514, subclass 44, for example;

Group XIX: Claims 70-71 and 73-74, drawn to a method of reducing triglycerides (using the polypeptide), classified in class 514, subclass 2, for example;

Group XX: Claims 70 and 72-73, drawn to a method of reducing triglycerides (using the polynucleotide), classified in class 514, subclass 44, for example; and

Group XXI: Claims 75-76 and 78-79, drawn to a method of increasing metabolic rate (using the polypeptide), classified in class 514, subclass 2, for example;

Group XXII: ~~Claims 75 and 77-78, drawn to a method of increasing metabolic rate (using the polynucleotide), classified in class 514, subclass 44, for example;~~

Group XXIII: Claim 80, drawn to a transgenic animal, classified in class 800, subclass 2, for example;

Group XXIV: Claims 81-82 and 84-85, drawn to a method of modulating the level of neuropeptide Y (using the polypeptide), classified in class 514, subclass 2, for example;